

REPLACED BY
ART 34 A2/D1

PATENT COOPERATION TREATY

10/519278

PCT

Rec'd PCT/PTO

22 DEC 2004

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PD53522PC	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA416)	
International application No. PCT/EP 03/05027	International filing date (day/month/year) 14.05.2003	Priority date (day/month/year) 28.06.2002
International Patent Classification (IPC) or both national classification and IPC H04M3/533		
Applicant SONY ERICSSON MOBILE COMMUNICATIONS AB et al.		



1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the opinion
II ☐ Priority
III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV ☐ Lack of unity of invention
V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI ☐ Certain documents cited
VII ☐ Certain defects in the international application
VIII ☐ Certain observations on the international application

Date of submission of the demand 15.01.2004	Date of completion of this report 08.09.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer de Biolley, L Telephone No. +31 70 340-3137 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/05027

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-25 received on 08.07.2004 with letter of 29.06.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☒ the claims, Nos.: 26-27
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/05027

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 3,5,11,14,16,23

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 3,5,11,14,16,23 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1,2,4,6-10,12,13,15,17-22,24,25
	No: Claims	
Inventive step (IS)	Yes: Claims	1,2,4,6-10,12,13,15,17-22,24,25
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1,2,4,6-10,12,13,15,17-22,24,25
	No: Claims	

2. Citations and explanations

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/05027

see separate sheet

Reference is made to the following documents :

D1: ANONYMOUS: "Siemens C45 USER GUIDE" SIEMENS C45 USER GUIDE,
2001, XP002221958

D2: US-A-6 044 275 (WESTBROOK DAVID B ET AL) 28 March 2000 (2000-03-28)

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

- 1 The terms "special message flag" used in claims 3,5, 14 and 16 are unclear and have no well-recognised meaning and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear (Article 6 PCT).
- 2 Claims 11 and 23 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The following functional statements do not enable the skilled person to determine which technical features are necessary to perform the stated functions: "the contact register stores information about contacts and how these can be reached".

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 12, and shows (the references in parentheses applying to this document):

Portable communication device for automatically sending special messages (Page 46, right hand column "envoyer SMS") to a selected recipient comprising :
an electronic date determination unit (P. 49 : "horloge"),
an electronic contact register (Page 46, left hand column "liste des anniversaires"),
a message transfer unit (Page 24 : "Boîte d'envoi"),
a pre-configured message store (Page 46, right hand column "SMS anniversaire avec texte prédéfini")
characterised by

a control unit arranged to retrieve date information from the electronic date information unit and first recipient related information relating to a recipient from the electronic contact register.

The subject-matter of claim 12 differs from this known mobile telephone in that in D1 the special message (SMS) is not automatically sent to the recipient. The user is required to manually enter the phone number or the recipient.

The subject-matter of claim 12 and of corresponding independent claims 1, 24 and 25 is therefore new (Article 33(2) PCT).

- 2 The solution to this problem proposed in claim 12 and in corresponding independent claims 1, 24 and 25 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The problem to be solved by the present invention may be regarded as how to automate the sending of the special message to the selected recipient without involving user intervention.

Document D2 discloses a method and a mobile terminal for automatically sending a SMS at a pre-defined time and date. An electronic contact register containing date information associated with a recipient is not disclosed in D2 and the skilled person would not combine the teachings of D1 and D2 in order to solve the problem posed.

- 3 Claims 2, 4, 6-10, 13, 15 and 17-22 are dependent on either claim 1, 12, 24 or 25 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
- 4 The subject-matter of independent claims 1, 12, 24 and 25 has an industrial applicability.
- 5 Further remark :

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.

CLAIMS

1. Method of automatically sending special electronic messages to a selected recipient including the steps of:
 5 retrieving date information from an electronic date determination unit (40; 60),
 retrieving first recipient related information from an electronic contact register (44; 64), and
 10 automatically sending a special pre-configured electronic message over a network to the recipient in dependence of the date information and the first recipient related information (50; 68).
2. Method according to claim 1, wherein the first recipient related information is date information associated with the recipient.
- 15 3. Method according to claim 1, wherein the first recipient related information is a special message flag.
4. Method according to claim 1 or 2, further including the step of retrieving second recipient related information from the electronic contact register and sending
 20 the message also in dependence of the second recipient related information.
5. Method according to claim 4, wherein the second recipient related information is a special message flag.
- 25 6. Method according to any previous claim, further including prompting a user, after retrieving date and recipient related information, about sending the message (48) and sending the message if the user has accepted sending.
7. Method according to any previous claim, further including the step of retrieving
 30 the name of the recipient from the contact register and inserting the name into the message prior to sending.
8. Method according to any previous claim, wherein the message is sent directly to a terminal of the recipient.
- 35 9. Method according to any of claims 1 - 7, wherein the message is sent to a remote server, which pushes it to a terminal of the recipient.

10. Method according to any previous claim, wherein contact information about a recipient is first received from a remote server and then placed in the contact register.
- 5 11. Method according to any previous claim, wherein the contact register is a register based on previously stored information about contacts and how these can be reached.
- 10 12. Method according to any previous claim, wherein the method is provided in a portable communication device.
- 15 13. Electronic equipment for automatically sending special electronic messages to a selected recipient comprising:
 - an electronic date determination unit (27; 34),
 - 15 an electronic contact register (36; 38),
 - a message transfer unit (32),
 - a pre-configured message store (30) and
 - a control unit (28), wherein
 - 20 the control unit is arranged to retrieve date information from the electronic data determination unit and first recipient related information relating to a recipient from the electronic contact register and effectuate automatic sending of a special pre-configured electronic message to the recipient in dependence of the date information and the first recipient related information.
- 25 14. Electronic equipment according to claim 13, wherein the first recipient related information is date information associated with the recipient.
- 30 15. Electronic equipment according to claim 13, wherein the first recipient related information is a special message flag.
- 35 16. Electronic equipment according to claim 13 or 14, wherein the control unit is further arranged to retrieve second recipient related information from the electronic contact register and effectuate sending of the message also in dependence of the second recipient related information.
17. Electronic equipment according to claim 16, wherein the second recipient related information is a special message flag.

- 5 18. Electronic equipment according to any of claims 13 - 17, wherein the control unit after retrieving date and recipient related information is further arranged to prompt a user about sending the message and effectuate sending of the message if the user has accepted sending.
19. Electronic equipment according to any of claims 13 - 18, wherein the control unit is further arranged to retrieve the name of the recipient from the contact register and to insert the name into the message prior to sending.
- 10 20. Electronic equipment according to any of claims 13 - 19, wherein the control unit effectuates sending of the message directly to a terminal of the recipient.
- 15 21. Electronic equipment according to any of claims 13 - 19, wherein the control unit effectuates sending of the message to a remote server, which pushes it to the recipient.
- 20 22. Electronic equipment according to any of claims 13 - 21, wherein the message transfer unit (32) receives contact information about a recipient from a remote server and the control unit is further arranged to place this information in the contact register.
23. Electronic equipment according to any of claims 13 - 22, wherein the device is a portable communication device.
- 25 24. Electronic equipment according to claim 23, wherein the device is a cellular phone.
- 30 25. Electronic equipment according to any of claims 13 - 24, wherein the contact register is a register based on previously stored information about contacts and how these can be reached.
- 35 26. A program product comprising a computer readable medium (74), having thereon:
computer program code means, to make a computer or an electronic equipment execute, when said program is loaded in the computer or the electronic equipment,
retrieving of date information from an electronic date determination unit,
retrieving of recipient related information from an electronic contact register,
and

effectuating automatic sending of a special pre-configured electronic message over a network to the recipient in dependence of the date information and the recipient related information.

- 5 27. A computer program element comprising:
- computer program code means to make a computer or an electronic equipment execute
- retrieving of date information from an electronic date determination unit,
- retrieving of recipient related information from an electronic contact register,
- 10 and
- effectuating automatic sending of a special pre-configured electronic message over a network to the recipient in dependence of the date information and the recipient related information.